

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

V.

ROB MCKENNA, JOHN S. BLONIEN,  
DOUGLAS CARR, KIMBERLY  
FRINELL, AMANDA  
MIGCHELBRING, ELDON VAIL,  
DAN PACHOLKE, STEVE SINCLAIR,  
CHRIS BOWMAN, CHUCK PEASE,  
OFFICIAL JURGENSEN, LINDA  
MICHASEL, DAVID S. ROBERTS,  
TAMARA ROWDEN, RONALD  
FREDERICK, DEVON SCHRUM,  
LORI SCAMAHORN, DENNIS  
DAHNE, KERRI McTARSNEY,  
CORYDON WHALEY, CLINT MAY,  
CHERYL SULLIVAN, and VANESSA  
COLEMAN.

## Defendants.

No. C11-5629 RBL/KLS

## **REPORT AND RECOMMENDATION**

**Noted for: November 18, 2011**

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff Matthew G. Silva filed a motion for leave to proceed *in forma pauperis* in this case on August 25, 2011. ECF No. 4. On September 19, 2011, he paid the \$350.00 filing fee. (Receipt No. TAC009090).

## DISCUSSION

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has

1 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314  
2 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Silva has paid the \$350.00  
3 filing fee. Therefore, his application to proceed *in forma pauperis* (ECF No. 4) is moot and  
4 should be denied.

5 **CONCLUSION**  
6

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure  
8 (Fed. R. Civ. P.), Petitioner shall have fourteen (14) days from service of this Report and  
9 Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file  
10 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474  
11 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed set  
12 this matter for consideration on **November 18, 2011**, as noted in the caption.

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14 DATED this 18th day of October, 2011.

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18 Karen L. Strombom  
19 United States Magistrate Judge  
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